

Appl. No. 11/016,521
Atty. Docket No. 9485
Response dated March 1, 2006
Reply to Office Action of November 29, 2005
Customer No. 27752

REMARKS

Claims 1, 2, 4, 6, 10-14, 16, 17, 19, 21, 22 and 25-30 have been amended to define the claimed invention with greater specificity by claiming a single- or multi-ply sanitary tissue product having a basis weight of from about 10 g/m² to about 120 g/m². Support for these amendments is found in the Specification and in the Claims as originally filed.

In addition, Claims 1 and 16 have been amended to define the differential density fibrous structure of the sanitary tissue product as comprising low fiber density pillow regions and high fiber density knuckle regions. Support for these amendments is found in the Specification, specifically at page 8, lines 14-21 and in the Drawings, which clearly show the low fiber density pillow regions and high fiber density knuckle regions being arranged in an X-Y direction so that the differential density is in relation to the X-Y direction of the fibrous structure, not the Z-direction..

Claims 3, 5, 7-9, 15, 18, 20 and 31 have been cancelled without prejudice.

Claims 1, 2, 4, 6, 10-14, 16, 17, 19, 21, 22 and 25-30 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §112, Second Paragraph

Claims 1-31 have been rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that the structure of the claimed fibrous structure is not set forth.

Applicants respectfully submit that Claims 1 and 16, as amended, overcome the alleged 112, second paragraph, rejection by clarifying that the claimed invention, as claimed in Claims 1 and 16, as amended, is a single- or multi-ply sanitary tissue product having a basis weight of from about 10 g/m² to about 120 g/m². With respect to Claims 1 and 16, as amended, the term "sanitary tissue product" is a defined term within the Specification so it is clear what type of "fibrous structure" including types of fibers used to make the fibrous structure are being claimed in Claims 1 and 16, as amended. Applicants hereby reserve the right to pursue other types of fibrous structures in related applications.

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Applicants further submit that the claimed sanitary tissue product, as claimed in Claims 1 and 16, as amended, comprises a differential density fibrous structure comprising low fiber density pillow regions and high fiber density knuckle regions. By emphasizing that the differential density fibrous structure comprises low fiber density pillow regions and high fiber density knuckle regions, Applicants submit that it is clear what "differential density fibrous structure" means. Additional support relating to the low fiber density pillow regions and high fiber density knuckle regions is found in the Drawings. The Drawings and the description of the Drawings, especially Fig. 1, on page 10, lines 20-30, clearly shows that the differential density regions are present in the X-Y direction, not the Z-direction.

In light of the foregoing, Applicants respectfully submit that Claims 1, 2, 4, 6, 10-14, 16, 17, 19, 21, 22 and 25-30 (Claims 3, 5, 7-9, 15, 18, 20 and 31 have been cancelled) are not indefinite. Accordingly, Applicants respectfully request withdrawal of the 112, second paragraph, rejection.

Rejection Under 35 USC §102(b)/§103(a):

Claims 1-31 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 6,328,850 to Phan et al. ("Phan"). The Examiner asserts that Phan discloses a multi-layered paper product wherein an inner layer may comprise relatively long fibers having a length of 2.5 mm or greater which is sandwiched by outer layers comprising fibers having a length of less than 1.5 mm. The Examiner further asserts, and rightly so, that Phan teaches that its inner layer (central layer) exhibits a lower density than its outer layers. The Examiner further asserts that Phan does not disclose the modulus to tensile strength ratio per se, but does appear to disclose the same fibrous structure.

Applicants respectfully disagree with the Examiner's conclusion. Applicants respectfully submit that Phan fails to teach each and every element of Claims 1 and 16, as amended, because Phan fails to teach a fibrous structure having two or more regions that differ in density in the X-Y direction. Applicants submit that Phan clearly teaches that its fibrous structure exhibits a differential density in the Z-direction. This is true as a result of Phan's fibrous structure comprising three layers, wherein the central layer exhibits a

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density that is lower than the outer two layers. As a result of the formation of Phan's fibrous structure, the differential density among the layers of the fibrous structure clearly means that the differential density is in the Z-direction not in the X-Y direction. Applicants further submit that Phan's fibrous structure fails to teach and/or provide the benefits provided by the claimed sanitary tissue product wherein the differential density is present in the X-Y direction in the fibrous structure making up the sanitary tissue product.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 16, as amended, are not anticipated by nor rendered obvious over Phan because Phan fails to teach each and every element of Claims 1 and 16, as amended. MPEP 2143.03. Further, Applicants submit that Claims 2, 4, 6, 10-14 and 17, 19, 21, 22, 25-30 (Claims 3, 5, 7-9, 15, 18, 20 and 31 have been cancelled), which ultimately depend from Claims 1 and 16, as amended, respectively, are not anticipated by nor rendered obvious over Phan. MPEP 2143.03.

Conclusion

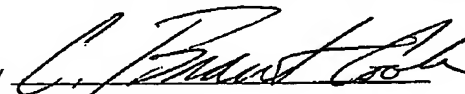
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §102(b) and 35 USC §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 2, 4, 6, 10-14, 16, 17, 19, 21, 22 and 25-30, as amended, is respectfully requested.

Respectfully submitted,

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Page 9 of 9